

IN THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN MONTESANTI

Plaintiff

v.

Case No. 3:22-cv-00688

NATIONSTAR MORTGAGE LLC d/b/a
MR. COOPER

Defendant

AGREED MOTION TO EXTEND DEADLINES

Plaintiff John Montesanti and Defendant Nationstar Mortgage LLC d/b/a Mr. Cooper (the "Parties") respectfully request that the Court extend the deadlines in this case by 150 days. In support thereof, the Parties show the following:

Plaintiff filed his Complaint on March 24, 2022. (Dkt. #1.) On August 22, 2022, the Court entered its Scheduling Order. (Dkt. 15).

Since entry of the Scheduling Order, the Parties have engaged in discovery and settlement discussions.¹ Still, additional time is needed for the parties to depose each other and to mediate this case. The parties have been impeded by the logistics between them—Plaintiff himself is in Florida, Plaintiff's counsel is in Illinois, and Defendant's counsel is in Texas—and scheduling has been made more difficult by recent staffing changes at Defendant's office.² The upcoming holidays and the known difficulty around scheduling events this time of year also warrants additional time for the parties.

So that ongoing discovery and settlement discussions can continue, the parties ask

¹ In fact, the parties resolved a separate pending case between them, *Montesanti v. Nationstar Mortgage LLC*, Case No. 3:21-cv-01516-L (N.D. Tex.) (stipulation of dismissal filed Dec. 7, 2022).

² See <https://www.dallasnews.com/business/real-estate/2022/11/04/coppell-based-mr-cooper-lays-off-about-800-more-employees/> (article dated Nov. 4, 2022).

that the current deadlines be extended 150 days, as follows:

Proposed Jury Trial Date	Two Week Docket Beginning August 20, 2023 at 9:00am
Proposed Pretrial Conference	August 13, 2023
Proposed Deadline to finalize discovery	May 29, 2023
Proposed Deadline to Mediate	June 12, 2023
Proposed Deadline to Designate Expert Witnesses (including rebuttal experts)	April 19, 2023 May 19, 2023
Counsel shall confer and file a joint report setting forth the status of settlement negotiations	June 19, 2023
All Proposed motions for summary judgment shall be filed by	June 26, 2023
All Proposed challenges to experts—including motions to strike or exclude expert witnesses—shall be filed	June 26, 2023
Counsel shall file a Joint Pretrial Order containing the information required by Local Rule 16.4 plus the following: a. A list of witnesses who may be called by each party in its case in chief. Each such witness list shall contain a narrative summary of the testimony to be elicited from each witness, shall state whether the witness has been deposed, and whether the witness's testimony at trial is "probable," "possible," "expert," or "record custodian." A copy of this list must be furnished to the court reporter prior to trial; b. A joint proposed jury charge. The parties must submit the proposed charge to the Court in Word format. The parties must annotate the joint proposed charge, explaining any objections and including citations to pattern jury instructions or caselaw. c. Proposed interrogatories d. The status of settlement negotiations as of the date of the Pretrial Order; e. Each party's proposed <i>voir dire</i> questions if the matter is a jury trial. The Court will allow attorneys an allotted time to conduct questioning at <i>voir dire</i> so long as the questions are approved in advance by the	August 3, 2023

Court. The Court reserves the right to conduct further questioning at the conclusion of attorney questioning; and f. Trial briefs may be filed with the Pretrial Order but are not required unless specifically requested by the Court.	
Regarding exhibit lists, exhibits, witness lists, and deposition designations, the parties shall comply with Local Rule 26.2. This includes providing copies of your trial exhibits to the Court on a USB flash drive or by email at Starr_Orders@txnd.uscourts.gov Deposition designations should be made for only those witnesses who qualify as “unavailable” for trial under Federal Rule of Civil Procedure 32(a)(4). The parties should brief the Court on why a given witness counts as unavailable under Rule 32. Deposition designations should <i>not</i> be made for witnesses who will testify live.	August 3, 2023
Proposed Motions in Limine	August 3, 2023
Proposed Responses to Motion in Limine	August 6, 2023
Proposed Deadline to file Objections to witnesses (except expert witnesses), exhibits, and deposition designations. Counsel must confer about exhibits and make reasonable efforts to agree upon admissibility.	August 6, 2023
Proposed Deadline to file Objections to the interrogatories.	August 6, 2023
The parties must confer and file, by a joint status report on pretrial objections to exhibits, witnesses (except expert witnesses), and deposition designations.	August 6, 2023 at 5:00 PM

This motion is filed not for delay, but so that justice may be done in the interests of judicial economy.

Dated: December 13, 2022

Respectfully submitted,

/s/ Matthew D. Durham

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